

STATE OF KANSAS
KANSAS PHARMACY BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED ARTICLE

A public hearing will be conducted at 9:00 a.m., on the 10th day of June 2010, at the SRS Learning Center, 2600 SW East Circle Drive S., Room C, Topeka, KS 66606, to consider the proposed adoption of K.A.R. 68-21-1 through K.A.R. 68-21-7 as permanent regulations of the Kansas Pharmacy Board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed adoption of K.A.R. 68-21-1 through K.A.R. 68-21-7. All parties may submit written comments prior to the hearing to the Executive Secretary of the Kansas Pharmacy Board, Debra Billingsley, pharmacy@pharmacy.ks.gov, or Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of K.A.R. 68-21-1 through K.A.R. 68-21-7 during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056, pharmacy@pharmacy.ks.gov. Handicapped parking is available immediately to the South of the building.

K.A.R. 68-21-1 through K.A.R. 68-21-7 is proposed for permanent adoption. A summary of the proposed regulations are as follows:

K.A.R. 68-21-1. Definitions. This regulation identifies the definitions to terms that can be found in Article 21 Prescription Monitoring Program.

K.A.R. 68-21-2. Electronic Reports. This regulation identifies the specifics relating to the electronic reports that must be submitted to the Prescription Monitoring Program. It also specifies the conditions for being granted an extension for reporting.

K.A.R. 68-21-3. Waivers for electronic reports. This regulation identifies the conditions for being granted a waiver from reporting to the Prescription Monitoring Program.

K.A.R. 68-21-4. Notice of requests for information. This regulation identifies the means of notification a practitioner must give a patient to inform them that they have the ability to access the Prescription Monitoring Program.

K.A.R. 68-21-5. Access to information. This regulation identifies how certain entities and individuals may gain access to Prescription Monitoring information.

K.A.R. 68-21-6. Reciprocal agreements with other states to share information. This regulation identifies what the Kansas Prescription Monitoring program may take into consideration when entering into a reciprocal information sharing agreement with other states.

K.A.R. 68-21-7. Drugs of concern. This regulation identifies drugs that will be monitored in the prescription monitoring program that are deemed drugs of concern.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Pharmacy Board, Landon State Office Building, 900 SW Jackson, Room 560, Topeka, Kansas 66612-1231, (785) 296-4056, pharmacy@pharmacy.ks.gov or by accessing the Board's website at <http://www.kansas.gov/pharmacy/Proposed%20Regs.htm>

Debra Billingsley
Executive Secretary

KANSAS PHARMACY BOARD ECONOMIC IMPACT STATEMENT

**K.A.R. 68-21-1; K.A.R. 68-21-2; K.A.R. 68-21-3; K.A.R. 68-21-4
K.A.R. 68-21-5; K.A.R. 68-21-6; K.A.R. 68-21-7**

I. Summary of Proposed Regulations, Including its Purpose.

K.A.R. 68-21-1 through K.A.R. 68-21-7 are new regulations that establish a prescription monitoring program that would utilize a database to monitor schedule II-IV drugs and drugs of concern that are dispensed in the state of Kansas. The purpose of the program is to: 1) support access to legitimate medical use of controlled substances, 2) identify and deter or prevent drug abuse and diversion, 3) facilitate and encourage the identification, intervention with and treatment of persons addicted to prescription drugs, 4) inform public health initiatives through outlining of use and abuse trends, and 5) educate individuals about Prescription Monitoring Programs and the use, abuse and diversion of and addiction to prescription drugs.

II. Reason or reasons the Proposed Regulations Are Required, Including Whether or Not the Regulations Are Mandated By Federal Law.

Federal law does not mandate the proposed regulations. Kansas Statutes mandate the development of a Prescription Monitoring Program in the state. These regulations are required by K.S.A 65-1681 through K.S.A. 65-1993.

III. Anticipated Economic Impact upon the Kansas Board of Pharmacy.

The adoption of these regulations will have an economic impact upon the Kansas Board of Pharmacy. The initial costs for the Prescription Monitoring Program will range anywhere from \$400,000 to \$500,000 and ongoing maintenance costs are expected to be roughly \$400,000 a year. The initial and on-going costs will initially be funded through grant funding. No new costs will be borne by pharmacists, pharmacy technicians, or others. The Board of Pharmacy will be responsible for ensuring compliance with the regulations' standards. The Board would have to enforce those rules and regulations. The responsibilities will be absorbed in the current duties of the Board and will also be funded initially by grant funds.

IV. Anticipated Financial Impact Upon Other Governmental Agencies and Upon

Private Business or Individuals.

The Board anticipates a positive financial impact for law enforcement and other government agencies in that the Prescription Monitoring database information will shorten investigation times. In addition, physicians and patients will be impacted positively in that there will be more effective pain management and prescribing due to access to the prescription monitoring system. Substance abuse and treatment facilities will possibly see an increase in those seeking treatment because the system will allow those needing treatment to be identified more easily. This in turn could lead to some individuals and businesses experiencing an increase in money spent on substance abuse treatment programs.

V. Less Costly or Intrusive Methods That Were Considered.

The Board is not aware of any less costly or less intrusive methods to achieve the stated purpose and thus none were considered.

IV: Environmental Regulation

These are not proposed environmental regulations.